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10/540,394	09/01/2005	Eiji Sunahara	Q101062	4910
23373	7590	11/25/2009	EXAMINER	
SUGHRUE MION, PLLC			DUFFY, BRADLEY	
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20037			1643	
			NOTIFICATION DATE	DELIVERY MODE
			11/25/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO. /CONTROL NO. 10540394	FILING DATE 9/1/2005	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION SUNAHARA ET AL.	ATTORNEY DOCKET NO. Q101062
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EXAMINER BRADLEY DUFFY

ART UNIT 1643	PAPER 20091118
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Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

In this case, while the response filed August 4, 2009, requests that the original CRF filed June 23, 2005 be used as the computer readable form for the present substitute sequence listing, this request is an improper request under the sequence rules and cannot be processed. As set forth in 37 CFR 1.825 (b):

(b) Any amendment to the paper copy of the "Sequence Listing," in accordance with paragraph (a) of this section, must be accompanied by a substitute copy of the computer readable form (§ 1.821(e)) including all previously submitted data with the amendment incorporated therein, accompanied by a statement that the copy in computer readable form is the same as the substitute copy of the "Sequence Listing."

Accordingly, to comply with the sequence rules, in order to amend the sequence listing as desired, Applicant must file an initial or substitute computer readable form (CRF) copy of the "Sequence Listing" an initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** and a statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R.. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

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For questions regarding compliance with the sequence requirements, please contact:

For Rules Interpretation, call (571) 272-0731 or (571) 272-0951

For CRF Submission Help, call (571) 272-2510

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Technical Assistance.1-866-217-9197 or 703-305-3028 or 571-272-6845

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Any other inquiry concerning this communication should be directed to Brad Duffy at telephone number (571)272-9935. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, can be reached at (571)272-0832

/Stephen L. Rawlings/
Primary Examiner, Art Unit 1643